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Arizona Corporation Commission

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Doug Little, Chairman
Arizona Corporation Commission
1200 West Washington
Phoenix AZ 85007

Dear Chairman Little,

DOCKETED BY

At the Commission meeting of August 11, 2016, you stated there was some connection among myself, the Energy Foundation, SolarCity, former ACC Commissioner Kris Mayes and the re-election campaign of Commissioner Burns; and that such connection would affect my objectivity. It is said that "a lie can travel halfway around the world before the truth can get its boots on."¹ Please accept this letter as truth's effort to get its boots on.

There is no connection—other than serendipity—among the facts you cited. Over my 32 years in regulatory law, I have worked for nearly every sector in the electric industry: investor-owned utilities, municipal power systems, rural cooperatives, wind energy companies, state commissions, state legislatures, Governors, state energy offices, and non-governmental organizations. Ironically, despite the diversity of my practice I have never represented a solar company—although there would be no shame in doing so. And for what it's worth, when in February 2015 I was asked to brief the National Association for the Advancement of Colored People on solar energy, I made clear that what is often called a "cost shift" caused by rooftop solar was a legitimate concern warranting careful, fact-based attention.

Regarding SolarCity: Around 2014 I taught for that company a one-day internal seminar on utility law—a fact I disclosed to Commissioner Burns in an early conversation. This seminar was little different in substance, format and price from the dozens I have taught, publicly and privately, at varied venues, including twice each for the investor-owned utilities Oklahoma Gas & Electric and Northwestern Energy and once for the Arizona Corporation Commission. Indeed the revenue I have earned over the years from investor-owned utilities is at least 10 times the fee I earned from the SolarCity seminar. I have, and have had, no financial or professional connection to the solar industry.

Regarding the Energy Foundation and Kris Mayes: The Energy Foundation has funded some small percentage of my work: twice indirectly as a funder of a client or employer; once

¹ The saying is sometimes attributed to Mark Twain but the Internet discourse disputes that source. Another version, attributed with somewhat more confidence to Jonathan Swift, is this: "Falsehood flies, and the Truth comes limping after it."

directly, in the mid-1990s, to draft a paper on energy efficiency. At no time has anyone from that Foundation limited or even influenced my writings. The series of papers I wrote under the most recent arrangement, around 2012-2013, are on my website. I am unaware of any involvement by Ms. Mayes in my work. In fact I did not know of her connection to the Foundation until you mentioned it. I believe the only time I've interacted with Ms. Mayes was on a panel hosted by the National Governor's Association a few years ago—where we disagreed, amicably, about some matter.

Based on your comments, several media outlets appear to have connected me to the solar industry incorrectly. Perhaps you know of the Chasidic tale I used to share with my Sunday School students. A parishioner had spoken falsely about his rabbi. On realizing his wrong, he asked the rabbi how he could make things right. The rabbi said: "Take a pillow to a mountain top, slit the pillow open and let the feathers scatter." The man did so, descended back to town and informed the rabbi—who then said: "Now go gather the feathers." I expect that you, like the man in this tale, will find that effort impossible, so I do not ask you to try. But I do ask that you take personal responsibility for how you extrapolate from facts—the better to gain and preserve the public's trust in your actions as a Commissioner.

Chairman Little, while you and I have never met, through our separate communications we have learned something about each other. If at any time you wish to continue our communications, and to put our relationship on a more positive plane, you will find no door more open than mine.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hempling", with a stylized flourish at the end.

Scott Hempling

cc: Comm. Burns
Comm. Forese
Comm. Stump
Comm. Tobin
Chief Counsel Alward
Executive Director Jerich